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3
4 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 v.

8 TIMOTHY A. SHELLY,

9 Defendant.

) No. CR-09-089-RHW

) ORDER FOLLOWING

) ☒ INITIAL APPEARANCE
) ☒ ARRAIGNMENT

) ☐ MOTION GRANTED
) (Ct. Rec. _____)

10) ☐ ACTION REQUIRED
11)
12)

13 Date of hearing: August 20, 2009

14 ☒ Indictment

15 Defendant was advised of, and acknowledged, Defendant's rights.

16 ☒ Defendant, on Defendant's plea(s) of not-guilty, is bound over
17 to the United States District Court for trial.

18 ☐ Defendant, personally and through counsel, waived Defendant's
19 right to a probable cause hearing.

20 ☒ Bail hearing set:

Tues. Aug. 25, 2009
(Date)

2:00p.m.
(Time)

21 ☒ Judge Imbrogno

22 ☐ Judge Hutton

23 ☐ Spokane Video Conference (Parties in Spokane)
24 Judge Imbrogno calendar (Judge Hutton presiding)

25 ☐ Yakima Video Conference (Parties in Yakima)
26 Judge Hutton calendar (Judge Imbrogno presiding)

27 ☐ Pending the hearing, Defendant shall be detained in the
28 custody of the United States Marshal and produced for the
hearing or until further order of the court.

1 ☐ The U.S. Probation Office personnel shall prepare a Pretrial
2 Services Report prior to the bail hearing, and shall notify
defense counsel prior to interviewing Defendant.

3 ☐ Defendant, personally and through counsel, waived the right to
4 a bail hearing.

5 Defendant shall be held in detention pending disposition of
6 this case or until further order of the court. Defendant
7 may petition the court to reopen the detention issue by
8 written motion to amend and request for hearing, served upon
9 the United States Attorney. Defendant is committed to the
custody of the U.S. Marshal for confinement separate, to the
extent practicable, from persons awaiting or serving
sentences or being held in custody pending appeal.
Defendant shall be afforded reasonable opportunity for
private consultation with counsel.

10 ☐ Defendant is detained for failing to show:

- 11 ☐ Defendant will not flee if released
12 ☐ Defendant does not pose a danger to the community
13 ☐ Defendant is supervisable if released

14 FED. R. CRIM. P. 32.1(a)(1); Fed. R. Crim. P. 46c.

15 ☐ The United States did not seek detention.

16 ☐ A separate Order will issue setting forth conditions of
release.

17 ☐ The United States represents this matter appropriately may
18 proceed in an expedited manner. Accordingly, within thirty
19 (30) days of the date of this Order, the United States
Probation Office is directed to prepare an expedited
20 presentence investigation report. Any information about
21 Defendant, including family and community ties, which defense
counsel, after consultation with Defendant, deems important to
be included in the presentence investigation report, shall be
provided to the U.S. Probation Office within fourteen (14)
days of this Order.

22 Within one week of the date of this Order, Defendant is
23 directed to file a waiver of the FED. R. CRIM. P. 32(e)(f)(g)
provisions as to the presentence investigation report.

24 ☐ The United States has advised this matter is not eligible for
25 expedited consideration.

- 1 ☐ The United States was unable to advise whether this matter is
2 expedited-track eligible. The United States is directed to
3 notify the trial judge and Defendant, by filed Notice within
4 7 days, as to whether this matter is eligible for expedited
5 consideration, in which case the United States Probation
6 Office will be directed to prepare an expedited case
7 investigation.
- 8 ☐ The U.S. Probation Office personnel shall prepare a Pretrial
9 Services Report, limited to criminal history, and without
10 interviewing Defendant.
- 11 ☐ Directive(s) to U.S. Marshal: _____

12 _____

13 ☒ Other: NO pretrial report needed as one was
14 prepared in Michigan.

15 _____

16 _____

17 DATED: August 20, 2009.

18 
19 _____
20 CYNTHIA IMBROGNO
21 UNITED STATES MAGISTRATE JUDGE